

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X	:	
SMITHS MEDICAL ASD, INC.	:	
(FORMERLY LEVEL 1, INC.)	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91159799
	:	
PORTLAND ORTHOPAEDICS PTY LT.	:	
	:	
Applicant.	:	
-----X	:	

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
ATTN: TTAB

**CONSENTED-TO MOTION FOR EXTENSION OF  
TIME TO FILE ANSWER TO NOTICE OF OPPOSITION  
AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS**

Subject to the approval of the Trademark Trial and Appeal Board, the parties hereto, through their respective attorneys, stipulate that applicant's time for filing its Answer to Notice of Opposition shall be extended two months or until **June 21, 2006**.

Also subject to the approval of the Trademark Trial and Appeal Board, the parties hereto, through their respective counsel, hereby agreed to a two (2) month extension of the Discovery and Testimony periods as follows:



THE PERIOD FOR DISCOVERY TO CLOSE:	August 21, 2006
Testimony period for Petitioner to close:	November 21, 2006
Testimony period for Registrant to close:	January 20, 2007
Rebuttal testimony period to close:	March 4, 2007


The parties have reached a tentative settlement agreement and the parties are in the process of finalizing a written settlement agreement. Opposer's attorney, Sandra Epp Ryan, has verbally agreed to this extension of time as requested. This additional time is necessary to finalize the settlement agreement between the parties.

The foregoing request is not being filed for the purposes of mere delay, and favorable consideration and approval of this request is respectfully solicited.

This request is being submitted in triplicate.

Respectfully submitted,

PORTLAND ORTHOPAEDICS PTY LT.



---

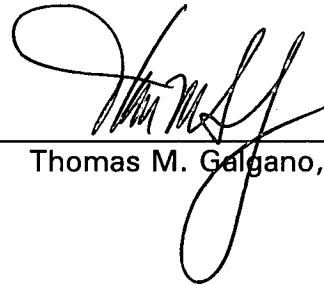
Thomas M. Galgano  
Attorney for Applicant  
GALGANO & BURKE LLP  
300 Rabro Drive, Suite 135  
Hauppauge, NY 11788  
(631) 582-6161

Date: 4/21/06

TMG/kdd  
F:\G&b\1367\12\A\extensionrequest10.wpd

CERTIFICATE OF MAILING

I hereby certify that this CONSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO NOTICE OF OPPOSITION AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS is being deposited, in triplicate, this 21<sup>st</sup> day of April, 2006, with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

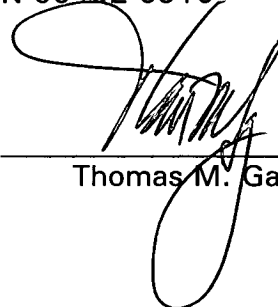


Thomas M. Galgano, Esq.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing CONSENTED-TO MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO NOTICE OF OPPOSITION AND EXTENSION OF DISCOVERY AND TESTIMONY PERIODS has this 21<sup>st</sup> day of April, 2006, been sent prepaid First Class Mail to Sandra Epp Ryan, Esq., at her place of business:

MERCHANT & GOULD P.C.  
P.O. Box 2910  
Minneapolis, MN 55402-0910



Thomas M. Galgano, Esq.